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7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-868

13 **LISA HIMES SHORT**  
1358 47th Avenue  
San Francisco, CA 94122  
14 **Registered Nurse License No. RN 698808**

**A C C U S A T I O N**

Respondent.

15  
16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about February 28, 2007, the Board of Registered Nursing issued Registered  
23 Nurse License Number RN 698808 to Lisa Himes Short (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on August 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an  
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct . . ."

13 7. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this  
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
16 chapter to do any of the following:

17 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
18 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
19 administer to another, any controlled substance as defined in Division 10 (commencing with  
20 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
21 defined in Section 4022.

22 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
23 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
24 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
25 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
26 ability to conduct with safety to the public the practice authorized by his or her license.

1 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
2 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
3 section."

#### 4 DRUGS INVOLVED

5 8. Morphine Sulfate (MS) - is a Schedule II controlled substance as listed in Health and  
6 Safety Code Section 11055(b)(1)(M) and is a dangerous drug per Business and Professions Code  
7 Section 4022 and is a Schedule II controlled substance as defined by Section 1308.12(b)(1) of  
8 Title 21 of the Federal Code of Regulations. Morphine, a central nervous system (CNS)  
9 depressant, is a systemic narcotic and analgesic used in the management of pain.

10 9. Oxycodone with Acetaminophen is the generic name for Percocet; a Schedule II  
11 controlled substance pursuant to Health and Safety Code Section 11055(b)(1)(N) and is a  
12 dangerous drug pursuant to Business and Professions Code Section 4022.

13 10. Fentanyl is a Schedule II controlled substance pursuant to Health and Safety Code  
14 Section 11055(c)(8) and a dangerous drug per Business and Professions Code Section 4022.  
15 Fentanyl is used in the management of pain.

16 11. Hydrocodone with Acetaminophen is the generic name for Norco and Vicodin. It is a  
17 Schedule III controlled substance pursuant to Health and Safety Code Section 11056(e)(4) and a  
18 dangerous drug per Business and Professions Code Section 4022.

#### 19 FACTUAL BACKGROUND

20 12. In or about November 2008, at Kaiser Hospital in San Francisco, while working as a  
21 registered nurse, Respondent stole Fentanyl for personal use. Respondent used the Fentanyl that  
22 she stole. Respondent did not have a prescription for Fentanyl.

23 13. Respondent withdrew Fentanyl for patients who listed their pain as 0 on a scale of 0-  
24 10 where 0 indicated no pain. Respondent documented that she administered Fentanyl to patients  
25 with little or no pain.

26 14. On or about October 25, 2009, at or about 0406 hours, at Kaiser Foundation Hospital  
27 in San Rafael, while working as a registered nurse, Respondent removed one Percocet 5/325mg  
28

1 tablet for Patient A. Respondent failed to chart this medication as given to patient A. Respondent  
2 failed to chart this medication as wasted.

3 15. On or about October 25, 2009, at or about 0405 hours, at Kaiser Foundation Hospital  
4 in San Rafael, while working as a registered nurse, Respondent removed one Morphine Sulfate  
5 4mg syringe for Patient A. Respondent failed to chart this medication as given to patient A.  
6 Respondent failed to chart this medication as wasted.

7 16. On or about November 3, 2009, at or about 2017 hours, at Kaiser Foundation  
8 Hospital in San Rafael, while working as a registered nurse, Respondent removed one Morphine  
9 Sulfate 4 mg syringe for Patient B. Respondent charted that she administered 3 mg of this  
10 medication to patient B. Respondent failed to chart the remaining 1 mg as wasted.

11 17. On or about November 4, 2009, at or about 0159 hours, at Kaiser Foundation  
12 Hospital in San Rafael, while working as a registered nurse, Respondent removed one Morphine  
13 Sulfate 4mg syringe for Patient B. Respondent failed to chart this medication as given to patient  
14 B. Respondent failed to chart this medication as wasted.

15 18. On or about November 5, 2009, at or about 2346 hours, at Kaiser Foundation  
16 Hospital in San Rafael, while working as a registered nurse, Respondent removed one Fentanyl  
17 Citrate 2ml/100 mcg for patient C. Respondent charted that she administered .25 mcg of this  
18 medication to patient C. Respondent failed to chart the remaining .75 mcg of this medication as  
19 wasted.

20 19. On or about November 6, 2009, at or about 0106 hours, at Kaiser Foundation  
21 Hospital in San Rafael, while working as a registered nurse, Respondent removed one Fentanyl  
22 Citrate 2ml/100mcg for patient C. Respondent charted that she administered .25 mcg of this  
23 medication to patient C. Respondent failed to chart the remaining .75 mcg of this medication as  
24 wasted.

25 20. On or about November 9, 2009, at or about 0534 hours, at Kaiser Foundation  
26 Hospital in San Rafael, while working as a registered nurse, Respondent removed one Morphine  
27 Sulfate 4mg syringe for Patient D. Respondent failed to chart this medication as given to patient  
28 B. Respondent failed to chart this medication as wasted.

1 21. Respondent stole Morphine Sulfate for personal use. Respondent used Morphine  
2 Sulfate without a prescription.

3 FIRST CAUSE FOR DISCIPLINE

4 (Illegal Drug Possession)

5 22. Respondent is subject to disciplinary action under section 2762(a) of the code in that  
6 respondent obtained and possessed, in violation of law, controlled substances and dangerous  
7 drugs. The circumstances are described in Paragraphs 12-21 above.

8 SECOND CAUSE FOR DISCIPLINE

9 (Drug Use)

10 23. Respondent is subject to disciplinary action under section 2762(b) of the code in that  
11 Respondent used controlled substances and dangerous drugs, without a prescription, in a manner  
12 that was dangerous to herself or others. The circumstances are described in Paragraphs 12-21  
13 above.

14 THIRD CAUSE FOR DISCIPLINE

15 (Incorrect Hospital Records)

16 24. Respondent is subject to disciplinary action under section 2762(e) of the code in that  
17 respondent made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital,  
18 patient, or other records pertaining to controlled substances and dangerous drugs. The  
19 circumstances are as follows:

20 a. While working at Kaiser Hospital in San Francisco, as described above, Respondent  
21 recorded that she removed Fentanyl for patients when in fact she used the Fentanyl herself.  
22 Respondent recorded that she wasted Fentanyl when in fact she took the Fentanyl for personal  
23 use.

24 b. While working at Kaiser Foundation Hospital in San Rafael, as described above,  
25 Respondent made grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital,  
26 patient, or other records pertaining to controlled substances and dangerous drugs as described in  
27 paragraphs 14-20, above.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 25. Respondent is subject to disciplinary action under section 2761(a) in that respondent  
4 was involved in unprofessional conduct. The circumstances are described in paragraphs 12-21,  
5 above.

6 PRAYER

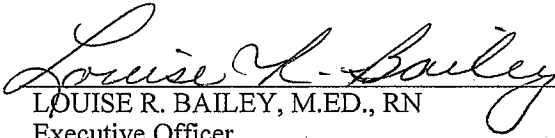
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number RN 698808, issued to  
10 Lisa Himes Short

11 2. Ordering Lisa Himes Short to pay the Board of Registered Nursing the reasonable  
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
13 Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.  
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17 DATED: 4/19/11

  
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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